



Crl.O.P.(MD) No.12575 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12575 of 2022

1. M.Raja Mohamed
2. Irshath Symul Hug

... Petitioners/ Accused

Vs

1. The State Represented by
The Inspector of Police,
Keeraithurai Police Station,
Madurai City.
Crime No.182 of 2022

... 1st Respondent/ Complainant

2. Annamohamed

... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to Crime No.182 of 2022, dated 13.03.2022 on the file of the Inspector of Police, Keeraithurai Police Station, Madurai City and to quash the same.

For Petitioners : Mr.A.Mohamed Arif

For R1 : Mr.A.Albert James
Government Advocate (Crl.Side)

For R2 : Mr.M.Solaisamy



Crl.O.P.(MD) No.12575 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.182 of 2022, on the file of the first respondent.

2.The contention of the petitioners is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.182 of 2022 for the offences punishable under Sections 427 and 294(b) I.P.C, against the petitioners.

3.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The learned counsel for the petitioners submitted that it is a case and case in counter and the defacto complainant and the accused persons are relatives. They settled the matter out of the Court and they have filed a Joint Memo of Compromise before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel.



Crl.O.P.(MD) No.12575 of 2022

The petitioners and the second respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mr.R.Venkatasalapathi, SSI of Police, Keeraithurai Police Station, Madurai City. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint in Crime No.182 of 2022 for the offences punishable under Sections 427 and 294(b) I.P.C.

6. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Panjab and another* reported in (2012)10 SCC 303 and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* reported in (2017)9 SCC 641 were taken into consideration.

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the



Crl.O.P.(MD) No.12575 of 2022

proceedings in Crime No.182 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.182 of 2022 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

Internet:Yes./No
Index:Yes/no
ebsi

21.07.2022
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Crl.O.P.(MD) No.12575 of 2022

To

1. The Inspector of Police,
Keeraithurai Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.12575 of 2022

V.SIVAGNANAM, J.

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ORDER IN
CRL.O.P (MD) No.12575 of 2022

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(1/2)